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10
11 UNITED STATES DISTRICT COURT
12 NORTHERN DISTRICT OF CALIFORNIA
13 SAN FRANCISCO DIVISION

14 FEDERAL TRADE COMMISSION,

15 Plaintiff,

16 vs.

17 MICROSOFT CORP.,

18 and

19 ACTIVISION BLIZZARD, INC.,

20 Defendants.
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CASE NO. 3:23-cv-2880

**NVIDIA CORPORATION'S MOTION TO
APPEAR TELEPHONICALLY**

The Honorable Jacqueline Scott Corley

1 The Court's June 21, 2023 Order (ECF 170) states that "[t]he Court will convene at 8:15
2 a.m. each court day in closed session to try to resolve confidentiality issues so the public proceedings
3 are as public as possible. Any non-parties who have a confidentiality objection to the day's proposed
4 testimony/exhibits may appear to argue their objection."

5 On June 21, 2023, Non-Party NVIDIA Corporation ("NVIDIA") filed a motion to seal a
6 narrow subset of the evidence identified by the parties for use in these proceedings that NVIDIA
7 had produced during the Federal Trade Commission's investigation of the proposed acquisition of
8 Activision Blizzard, Inc. by Microsoft Corp. and related litigation. *See* ECF 161.

9 On Saturday, June 24, at 9:38 pm ET, the FTC notified NVIDIA that it intends to offer the
10 testimony of two NVIDIA witnesses via video deposition during the evidentiary hearing on the
11 FTC's preliminary injunction motion on June 27, 2023. On Sunday, June 25 at 3:01 pm ET, the
12 FTC identified the specific designated testimony it intends to offer from those witnesses. Today,
13 June 26 at 11:03 am ET, Defendants identified the testimony they intend to offer through counter
14 designations.

15 NVIDIA's motion to seal asks the Court to seal some parts of the designated testimony the
16 parties intend to offer by video. NVIDIA therefore respectfully asks the Court to grant NVIDIA's
17 motion to seal (ECF 161) and keep those discrete parts of the two NVIDIA depositions shielded
18 from public view.

19 Due to prior scheduling commitments, NVIDIA's lead counsel, Mike Bonanno, will be
20 unable to appear in person before the Court at 8:15 am PT. NVIDIA therefore respectfully requests
21 leave from the Court for Mr. Bonanno to appear telephonically if the Court wishes to hear argument
22 on NVIDIA's motion to seal. NVIDIA respectfully requests an opportunity to heard before any of
23 the information that is the subject of its motion to seal is made available to the public.

1 DATED: June 26, 2023

QUINN EMANUEL URQUHART &
SULLIVAN, LLP

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4 By /s/ Ognjen Zivojnovic

Ognjen Zivojnovic

5 Michael D. Bonanno (*pro hac vice* pending)

6 *Attorneys for NVIDIA Corporation*
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CERTIFICATE OF SERVICE

I, Ognjen Zivojnovic, hereby certify that on June 26, 2023, the foregoing **NVIDIA CORPORATION'S MOTION TO APPEAR TELEPHONICALLY** was filed with the Clerk of the Court via CM/ECF. Notice of this filing will be sent electronically to all registered parties by operation of the Court's electronic filing systems.

DATED: June 26, 2023

By /s/ Ognjen Zivojnovic
Ognjen Zivojnovic